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12/07/2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AF 09-0688

Clerk of Montana Supreme Court
PO Box 203003
Helena, Montana 59620-3003

Edwin D. Halland
103 East Bridger Road
Bridger, Montana 59014-9413

Dear Members of the Montana Supreme Court,

After reviewing the proposed addition of paragraph (g) to rule 8.4 of the Montana Rules of Professional Conduct, Case number AF 09-0688, by the American Bar Association I am submitting the following comments.

I am **OPPOSED** to adoption of this rule, some of the reasons are as follows:

1. It violates the 1st Amendment to the Constitution of the United States by prohibiting the exercise of some targeted religious beliefs which are determined to be objectionable to a "politically correct" group of individuals with an elitist and anti-democratic agenda.
2. It violates the 1st Amendment to the Federal Constitution by limiting free speech. The limitation targets lawyers and additionally will have a spillover to all citizens. Punishment for views, legal activities and comments by private citizens, on their own time, which are contrary to those of the ABA executives, should NOT be condoned and/or allowed.
3. It restricts freedom of association and the free exercise of public discourse. The job of the ABA and the Montana Court System is NOT social engineering. Why should members of the ABA decide that "there is a need for a cultural shift in understanding the inherent integrity of people" and why should they decide what direction and what issues that shift will entail? The ABA and the Montana Supreme Court should focus on equal justice for all, not special protections for select groups which they select.
4. This proposed rule is an end run around the legislative process and the will of Montana voters. Special protections, rights and privileges for select groups have been rejected by citizens in Montana Cities, one of which is Billings. Paragraph (g) addition to Rule 8.4 will have a chilling effect for attorneys considering representation of clients whose social views are contrary to those of the ABA hierarchy.
5. The wording is vague and enforcement is left to those who decide what groups the "cultural shift" applies to and what might offend the protected groups. The majority of the population will have no guaranteed rights, their rights will be determined by a group of

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individuals who can change rules at will and who are unelected and unaccountable.

6. There is no need for a rule change. The system is working. Do NOT allow a small group of self-appointed individuals, who have a social engineering agenda, to undermine the legal system by intimidating those who champion freedom of speech, freedom of religion and equal protection under the law for ALL.

I am not sure of the process the Montana Supreme Court uses for issues such as this. DO NOT make decisions in secret. Be sure it is public record how each justice votes.

Respectfully,

A handwritten signature in cursive script, appearing to read "Edwin D. Halland".

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